

03-16-04 image

RCE/1638

<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Mail Stop RCE Commissioner For Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	Application Number:	09/821,879
	Filing Date:	March 30, 2001
	First Named Inventor:	Kermicle et al.
	Group Art Unit:	1638
	Examiner Name:	David T. Fox
	Attorney Docket No.	WIS4987P0081US

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 C.F.R. §1.114** Note: If the RCE is proper, any previously-filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - a. ☐ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
    - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on.
    - ii. ☐ Other: \_\_\_\_\_
  - b. ☒ Enclosed:
    - i. ☒ Amendment/Reply
    - ii. ☒ Affidavit(s)/Declaration(s) (unsigned)
    - iii. ☐ Information Disclosure Statement
    - iv. ☐ Other: \_\_\_\_\_
2. **Miscellaneous.** Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of:
  - a. ☐ \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 CFR 1.17(i) required)
  - b. ☐ Other: \_\_\_\_\_
3. **Fees.** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The filing fee has been calculated as shown below:

Small Entity						Large Entity	
For	Claims Remaining After Amendment	Claims Previously Paid For	Extra Claims	Rate	Fee	Rate	Fee
Basic Fee					\$385.00		\$770.00
Total Claims	83	130	0	x \$9.00	\$	x \$18.00	\$
Indep. Claims	15	13	2	x \$43.00	\$	x \$86.00	\$172.00
Multiple Dependent Claims Present				+ \$145.00	\$	+ \$290.00	\$
				TOTAL	\$	TOTAL	\$942.00

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01 FC:1801  
02 FC:1201770.00 OP  
172.00 OP

☒ A check in the amount of \$942.00 to cover the filing fee is enclosed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayment, to Deposit Account No. 23-0785.

i. ☐ RCE filing fee

☐ Extension of time fee

☐ Other \_\_\_\_\_

4. **Correspondence Address:**

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
Citicorp Center, Suite 3800  
500 West Madison Street  
Chicago, Illinois 60661-2511  
Telephone: (312) 876-1800  
Facsimile: (312) 876-2020

**Customer Number: 32116**

Date: March 15, 2004

Attorney's Signature



Lisa V. Mueller, Reg. No. 38,978

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this Request For Continued Examination Transmittal and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Express Mail Label No.: EV348841317US

Date of Deposit: March 15, 2004

Typed/Printed Name of Person Signing: Barbara Towns

Signature:



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kermicle et al.

Serial No.: 09/821,879

Filed: March 30, 2001

Title: Cross-Incompatibility Traits from  
Teosinte and Their Use in Corn



Group Art Unit 1638

Examiner: David T. Fox

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**AMENDMENT**

This Amendment is being submitted in connection with the Office Action mailed on June 17, 2003.